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22 *Attorneys for Plaintiffs*

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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

1 REGINALD COLEMAN, an individual;  
2 DARRELL COLEMAN, an individual;  
3 BAYRON MARSHALL, an individual;  
4 JAYLIN MARSHALL, an individual; BARY  
5 MARSHALL, an individual; KAVON  
6 MARSHALL, an individual; THOMAS  
7 JONES, an individual; ALBERTO AVALOS,  
8 JR., an individual; RODERICK ANDREWS,  
9 an individual; BRANDON GARNETT, an  
10 individual; WESLEY LEDBETTER, an  
11 individual; ERICA COSEY, an individual; and  
12 RAFAEL BROWN, an individual,

13 *Plaintiffs,*  
14 v.  
15 CARDINAL PAINT AND POWDER, INC., a  
16 domestic corporation; and DOES I through X;  
17 and ROE CORPORATIONS I through X,  
18 inclusive,

19 *Defendants.*

20 Case No.: 2:23-cv-00035-CDS-NJK

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**ORDER**  
**TO FILE AMENDED COMPLAINT**

1 Pursuant to FRCP 15(a)(2), LR 7-1, and LR IA 6-2, Plaintiffs Reginald Coleman, Darnell  
2 Coleman, Bayron Marshall, Jaylin Marshall, Bary Marshall, Kavon Marshall, Thomas Jones, Alberto  
3 Avalos, Jr., Roderick Andrews, Brandon Garnett, Wesley Ledbetter, Erica Cosey, and Rafael Brown  
4 (“Plaintiffs”), by and through their counsel of record, the law firms of MAIER GUTIERREZ &  
5 ASSOCIATES and ACKERMANN & TILAJEF, P.C., and Defendant Cardinal Paint and Powder, Inc.  
6 (“Defendant”), hereby submit this stipulation permitting Plaintiffs to file a First Amended Complaint  
7 (“FAC”) and setting Defendant’s time to respond to the FAC.

8 WHEREAS:

- 9 1. Plaintiffs filed their Complaint [ECF No. 1] on January 6, 2023.
- 10 2. Pursuant to the contemporaneously-filed Stipulation and Order to Submit Matter to  
11 Binding Arbitration, 12 of the 13 individual plaintiffs have agreed to pursue their claims  
12 in arbitration because they signed arbitration agreements. As such, the Parties agree that  
13 there is good cause to amend the Complaint, in order to streamline the litigation and  
14 remove plaintiffs whose claims will be heard in arbitration rather than in Court.
- 15 3. The remaining plaintiff, Alberto Avalos, Jr., also seeks to amend his Complaint to  
16 incorporate additional factual allegations that have been uncovered in the discovery  
17 process.
- 18 4. The Parties wish to make efficient use of the Court’s judicial resources and foster judicial  
19 economy by way of the submission of a First Amended Complaint.
- 20 5. The Parties stipulate and agree as follows:
  - 21 a. Plaintiffs shall file a First Amended Complaint within five (5) days of the Court  
22 approving and filing the order granting the instant stipulation. The First Amended  
23 Complaint shall list only plaintiff Alberto Avalos, Jr. as the plaintiff party.
  - 24 b. Defendant shall have up to and including twenty-one (21) days to respond to the First  
25 Amended Complaint once it has been filed.

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1       6. This stipulation is submitted in good faith and not for purposes of delay. Nothing in this  
2       stipulation, nor the fact of entering to the same, shall be construed as waiving any claim  
3       and/or defense held by any Party.

4       DATED this 22nd day of June, 2023

DATED this 22nd day of June, 2023.

5       **MAIER GUTIERREZ & ASSOCIATES**

6       /s/ Danielle J. Barraza

7       JASON R. MAIER, ESQ.

8       Nevada Bar No. 8557

9       JOSEPH A. GUTIERREZ, ESQ.

10      Nevada Bar No. 9046

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6       /s/ Holly E. Walker

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13      Attorneys for Defendant

16      **ORDER**

17      IT IS SO ORDERED:

18        
UNITED STATES MAGISTRATE JUDGE

19      June 23, 2023

20      Dated: \_\_\_\_\_

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